

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
WESTERN DIVISION**

THE CONSTRUCTION INDUSTRY WELFARE  
FUND OF ROCKFORD, ILLINOIS;  
THE CONSTRUCTION INDUSTRY  
RETIREMENT FUND OF ROCKFORD,  
ILLINOIS,

Plaintiff,

V.

IN LINE DESIGN TILE CO. INC. also known as)  
IN LINE TILE, INC.

Defendant.

**Magistrate Judge Mahoney**

**Case No. 08 CV 50125**

**MOTION TO DISMISS WITHOUT PREJUDICE**

**NOW COMES** the Plaintiffs, THE CONSTRUCTION INDUSTRY WELFARE FUND OF ROCKFORD, ILLINOIS and THE CONSTRUCTION INDUSTRY RETIREMENT FUND OF ROCKFORD, ILLINOIS, by and through their attorneys, MARC M. PEKAY, P.C. and hereby move that this case against Defendant, IN LINE DESIGN TILE CO. INC. also known as IN LINE TILE, INC. be dismissed without prejudice as all amounts have been paid.

Respectfully submitted,

CONSTRUCTION INDUSTRY  
WELFARE AND RETIREMENT FUND  
OF ROCKFORD, ILLINOIS;  
s/ Marc M. Pekay,  
Attorney for Plaintiffs

Marc M. Pekay, P.C.  
30 North LaSalle St., Ste. 2426  
Chicago, IL 60602  
(312) 606-0980

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
WESTERN DIVISION**

THE CONSTRUCTION INDUSTRY WELFARE  
FUND OF ROCKFORD, ILLINOIS;  
THE CONSTRUCTION INDUSTRY  
RETIREMENT FUND OF ROCKFORD,  
ILLINOIS,

Plaintiff,

v.

IN LINE DESIGN TILE CO. INC. also known as)  
IN LINE TILE, INC.

Defendant.

**Magistrate Judge Mahoney**

**Case No. 08 CV 50125**

**ORDER**

**THIS MATTER COMING TO BE HEARD** upon Plaintiffs' Motion to Dismiss this  
Case Without Prejudice.

**IT IS HEREBY ORDERED** that this case be dismissed without prejudice, all matters  
having been resolved by the parties.

ENTERED:

\_\_\_\_\_  
JUDGE

DATED:\_\_\_\_\_

Drafted by:  
MARC M. PEKAY, P.C.  
30 NORTH LA SALLE ST.  
SUITE 2426  
CHICAGO, IL 60602